

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael J. Heller, et al.

Serial No.: 09/597,866

Filed: June 20, 2000

**For: APPARATUS FOR ACTIVE
PROGRAMMABLE MATRIX
DEVICES (as amended)**

Group Art Unit: 1634

Examiner: B.J. Forman

STATEMENT OF SUBSTANCE OF EXAMINER INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Interview Summary mailed March 11, 2005, Applicant responds as follows:

Applicant agrees with the Examiner's characterization of the interview conducted on March 8, 2005. During the interview, Applicant presented the Examiner with proposed claim language for Claim 56 further clarifying that the Applicant's optical window was adjacent to the flow path and contained in the flow path as opposed to the prior art which merely discloses a transparent cover

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

Date of Deposit

Denise N. Doss

lying on top of the flow cell. The Examiner agreed in the interview and noted in her summary that neither the Hollis nor Wilding prior art references taught the exact positioning of the window in the flow cell. The Examiner further noted that the Applicant must show some evidence of the advantages of a change in shape or structure of the window in order to overcome obviousness of simply repositioning a window.

Therefore, in Applicant's response to the October 7, 2004 Office Action mailed March 16, 2005, Applicant followed the recommendations of the Examiner and amended the claim language for Claim 56 to clarify that the optical window was adjacent to the flow path and had vertical walls bound by the flow cell. Applicant also explained how the claimed optical window may be "a separate piece of the flow cell" which could be "manufactured of a different material from the flow cell, such as quartz, which is more suitable for transmission and/or non-florescence properties that the material of the flow cell." Applicant additionally noted that "a system where the optical window is a separate piece permits removal and interchanging of the window to insert a window with a refractive index substantially matching that of the given sample solution."

Applicant explained that these improvements are examples of advantages of the design, specifically "increase the ease of manufacturing and significantly enhance the viewing quality of the optical window," that the Examiner suggested were needed to overcome an obviousness determination. Therefore, Applicant respectfully submits that Applicant's Amendment and Response to the October 7, 2004 Office Action fully responded to the Examiner's concerns and suggestions noted in the March 8, 2005 interview.

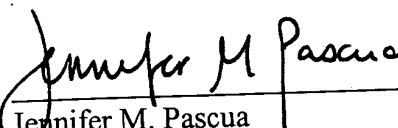
Patent US 104C2
Attorney Docket: 612,404-352
(Former L&L Ref: 255/040)

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: Apr 7, 2005

By:


Jennifer M. Pascua
Reg. No. 56,489

DBM/JMP/dnd

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900